

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SETH D. HARRIS, ACTING SECRETARY
OF LABOR, UNITED STATES
DEPARTMENT OF LABOR,¹

Plaintiff,
v.

GOLDEN YEARS ENTERPRISES, INC., a
corporation; ELIZABETH C. ALAS, an
individual,

Defendants

CASE NO. 2:12-cv-0.1927-RSM

CONSENT JUDGMENT

Plaintiff has filed her Complaint and Defendants have appeared and, without admitting liability or the truth of any allegations in the Complaint, have agreed to the entry of this Order and Judgment without contest. It is, therefore, upon motion of the Parties, and for cause shown:

I

ORDERED, that Defendants, their officers, agents, servants, employees and those persons in active concert or participation with them be and hereby are permanently enjoined and restrained from violating the provisions of § 15(a)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 *et seq.*), hereinafter called “the Act,” in the following manners:

¹ Seth D. Harris was appointed as Acting Secretary of Labor on January 24, 2013. Pursuant to Fed. R. Civ. P. 25(d) the caption has been changed to reflect the appointment.

12 **Defendants shall not**, contrary to § 11 of the Act, fail to make, keep and preserve
13 records of the wages, hours and other conditions and practices of employment maintained by
14 them, as prescribed by the regulations duly promulgated under said § 11(c) at 29 C.F.R. Part 516.

17 **IT IS FURTHER ORDERED** that the Plaintiff recover from Defendants the total sum
18 of **\$279,229.30** inclusive of backwages and liquidated damages. The amount of **\$139,614.65**
19 shall be for gross overtime back wages as listed and allocated in the attached Exhibit A, plus
20 **\$139,614.65** in liquidated damages.

GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 2 OF 5

U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
300 Fifth Avenue, Suite 1120
Seattle, WA 98104
Telephone: (206) 757-6762
Facsimile: (206) 757-6761

Copies of the front and back of the cancelled checks shall be provided to the Wage and Hour division no more than 65 calendar days after the check is issued accompanied by a letter identifying the case name as Solis v. Golden Years Enterprises, Inc. , et al. and including the employer's tax identification number. Copies shall be sent to:

**U.S. Department of Labor
Wage Hour Division
300 Fifth Avenue, Suite 1130
Seattle, Washington 98104**

In the event that any employee listed on Exhibit A cannot be located, or refuses to accept the payment, 65 calendar days after the payment is due, Defendants shall deliver to Plaintiff a certified check covering the total net due all such employees **payable to U.S. Department of Labor, Wage and Hour Division**, accompanied by a list of the employees for whom the checks represent backwage payment, their Social Security Numbers, the legal deductions made from the gross amounts due, and the employee's last known address.

Plaintiff shall distribute the monies paid by Defendants for employees Defendants could not locate to the employees identified or their estates if that is necessary. Any money not so paid within three years because of inability to locate said employees or because of their refusal to accept said proceeds shall be deposited forthwith with the Treasury of the United States pursuant to 28 U.S.C. § 2041.

III

IT IS FURTHER ORDERED that the rights of any of the Defendants' employees or ex-employees not specifically mentioned in Exhibit A to this Judgment, to back wages under the Act, are neither affected nor extinguished by this Judgment and neither party to the action

GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 3 OF 5

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1 Presented by:

**Entry of this Judgment is hereby Consented
to:**

2 **UNITED STATES DEPARTMENT OF**
3 **LABOR**

4 M. Patricia Smith
Solicitor of Labor

Elizabeth C. Alas, individually and as an
authorized representative of Golden Years
Enterprises, Inc.

5 Janet M. Herold
6 Regional Solicitor

7 Bruce L. Brown
8 Associate Regional Solicitor

Dated: _____

9 Jeremiah Miller
10 Trial Attorney

11 By _____
12 Jeremiah Miller,
13 Trial Attorney
14 U.S. Dept. of Labor
15 300 Fifth Avenue, Suite 1120
Seattle, WA 98104

16 Dated: _____
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EXHIBIT A

EMPLOYEE	BACKWAGES	LIQUIDATED DAMAGES	GROSS AMOUNT DUE	PERIOD COVERED
Eleni Aldera	\$1,090.56	\$1,090.56	\$2,181.12	8/6/2011 to 12/3/2011
Queenie Bactad	\$2,217.76	\$2,217.76	\$4,435.52	12/2/2009 to 8/4/2010
Aristotle Bobila	\$2,816.60	\$2,816.60	\$5,633.20	2/5/2011 to 8/6/2011
Fidel Bohol	\$1,345.23	\$1,345.23	\$2,690.46	10/1/2011 to 12/3/2011
Junario Campo	\$9,246.02	\$9,246.02	\$18,492.04	12/2/2009 to 11/30/2011
Darlene Comiso	\$4,889.75	\$4,889.75	\$9,779.50	12/2/2009 to 3/2/2011
Marcelina Daligdig	\$1,649.51	\$1,649.51	\$3,299.02	6/4/2011 to 10/1/2011
Dora Dugenia	\$4,074.27	\$4,074.27	\$8,148.54	12/2/2009 to 11/30/2011
Yolanda Esquerra	\$2,814.56	\$2,814.56	\$5,629.12	12/5/2009 to 7/31/2011
Ronald Esteban	\$11,372.95	\$11,372.95	\$22,745.90	12/5/2009 to 9/3/2011
Georgia Esteron	\$3,516.96	\$3,516.96	\$7,033.92	4/3/2010 to 1/1/2011
Dave Estrella	\$11,515.44	\$11,515.44	\$23,030.88	1/6/2010 to 11/30/2011
Delfin Fajardo	\$303.41	\$303.41	\$606.82	11/5/2011 to 12/3/2011
Felicidad Limon	\$9,742.58	\$9,742.58	\$19,485.16	12/5/2009 to 4/2/2011
Janet Magalang	\$7,058.83	\$7,058.83	\$14,117.66	1/2/2010 to 12/3/2011
Gendveva Paras	\$756.39	\$756.39	\$1,512.78	8/6/2011 to 10/1/2011
Dolores Parinas	\$7,564.45	\$7,564.45	\$15,128.90	12/5/2009 to 1/1/2011
Elvira Raz	\$4,601.27	\$4,601.27	\$9,202.54	12/2/2009 to 1/5/2011
Impelita Raz	\$7,008.52	\$7,008.52	\$14,017.04	12/5/2009 to 1/1/2011

EMPLOYEE	BACKWAGES	LIQUIDATED DAMAGES	GROSS AMOUNT DUE	PERIOD COVERED
Juan Raz	\$7,000.75	\$7,000.75	\$14,001.50	12/5/2009 to 1/1/2011
Melissa Saflor	\$135.23	\$135.23	\$270.46	11/2/2011 to 11/30/2011
Efren Suarez	\$12,582.24	\$12,582.24	\$25,164.48	12/2/2009 to 8/31/2011
Mary Jane Tantoo	\$1,961.40	\$1,961.40	\$3,922.80	4/6/2011 to 11/30/2011
Maria Victoria Thomson	\$14,861.27	\$14,861.27	\$29,722.54	12/2/2009 to 11/30/2011
Arnold Vargas	\$6,822.46	\$6,822.46	\$13,644.92	12/5/2009 to 1/1/2011
Irene Villanueva	\$1,028.25	\$1,028.25	\$2,056.50	4/2/2011 to 8/6/2011
Erlina Vintayen	\$1,637.99	\$1,637.99	\$3,275.98	2/6/2010 to 7/31/2010
Total	\$139,614.65	\$139,614.65	\$279,229.30	